

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:99CR116

UNITED STATES OF AMERICA)
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)
)
VS.) ORDER
)
)
KIRK CODRINGTON)
)

THIS MATTER is before the Court on the Defendant's *pro se* motion "to execute statute, 18 U.S.C.A. 3584(a)," filed February 26, 2009.

After Defendant served his 72 month sentence imposed by this Court, he was released from custody and began service of his 3-year term of supervised release on October 27, 2005. **See Amended Judgment, filed July 9, 2003; U.S. Probation Petition, filed under seal, March 25, 2008, at 1.** On March 25, 2008, the U.S. Probation Office filed a violation report alleging the Defendant had been arrested in Shelby County, Ohio, for the possession and trafficking of cocaine on January 24, 2008. ***Id.*** Defendant's probation officer recommended that his supervised release be revoked and a warrant issued for his arrest. ***Id. at 3-4.*** The Probation

Officer has advised the Court that Defendant is currently serving an active sentence on these charges in the Ohio Department of Corrections and a detainer has been filed with the State of Ohio by the U.S. Marshal.

Defendant requests that this Court issue a writ of *habeas corpus ad prosequendum*, removing him from state custody into federal custody, in order that he may appear in this Court for the adjudication of his supervised release violations and receive a sentence to be served concurrently with the remaining term of his state sentence. **Defendant's Motion, at 1.** The Court declines to do so.

IT IS, THEREFORE, ORDERED that Defendant's motion is **DENIED**.

Signed: April 6, 2009



Lacy H. Thornburg
United States District Judge